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LAW DEPARTMENT
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W. Simone Nicholson
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July 23, 2023

VIA ECF

The Honorable Jennifer H. Rearden
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *T.L. v. N.Y.C. Dep't of Educ., et al.*, 23-6225 (JHR)(BC)

Dear Judge Rearden:

I am a Special Assistant Corporation Counsel in the office of Corporation Counsel, the Hon. Sylvia O. Hinds-Radix, attorney for Defendants in the above-referenced action, wherein Plaintiffs allege violations pursuant to the Individuals with Disabilities in Education Act ("IDEA"), 20 U.S.C. §1400, *et seq.*, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794; *et seq.*

I write jointly with Plaintiff to request an adjournment *sine die* of the conference scheduled for July 24, 2023 (ECF No. 10) to address Plaintiff's order to show cause seeking a Preliminary Injunction ("PI") and Temporary Restraining Order ("TRO") for enforcement of a pendency order issued June 22, 2023, ordering, among other services, provision of a transportation paraprofessional ("TPP").

Counsel for the parties have conferred extensively as set forth below, and Defendants have been able to retain a TPP who will begin escorting student to and from school beginning Monday morning, July 24, 2023. Therefore, Plaintiff's counsel is considering withdrawal of the emergency motion without prejudice, pending continued implementation of this service, and the parties agree that a conference is unnecessary at this time. Thus, the parties respectfully request a stay of Plaintiff's motion for a PI/TRO (ECF No. 10) pending submission of the joint status letter proposed below.

To provide the Court with context, after multiple attempts to get a TPP in place as of the start of the summer portion of the student's program, on July 17, 2023, the parent was notified by the student's school that they were unable to find a TPP to accompany student on the school bus. This meant that the parent had to bring her child to and from school every day, which has significantly impacted her work schedule and hours. Given this situation, and the various difficulties that the parent has had implementing a TPP in the past, on July 19, Plaintiff's counsel advised this office that they intended to seek a PI/TRO seeking enforcement of the pendency Order and implementation of the services unless Defendants could confirm the provision of a TPP in less than eight hours, by 5 p.m. that same day. Given this extremely short deadline, Defendants requested that Plaintiff's counsel delay

seeking the PI/TRO until July 21, 2023, while Defendants tried to retain a TPP. Plaintiff's counsel did not agree to delay and filed the order to show cause on July 19. (ECF No. 4). However, now that the student's need for a TPP has been met, the parties request a *sine die* adjournment of the conference, with a joint status letter no later than August 14, 2023, updating the Court on settlement discussions and or proposed next steps in this case. A status letter may be submitted earlier than this date in the event that the TPP stops being provided.

Additionally, Defendants request a 30-day enlargement of time to respond to the Complaint, from August 11 to September 11, 2023. Plaintiff consents to this request. The parties thank the Court for considering this submission and for considering these requests.

Respectfully submitted,

s/ 
W. Simone Nicholson
Special Assistant Corporation Counsel

cc: Elisa Hyman, The Law Office of Elisa Hyman, *Counsel for Plaintiff* (via ECF)
Nicolas Apter-Vidler, The Law Office of Elisa Hyman, *Counsel for Plaintiff* (via ECF)

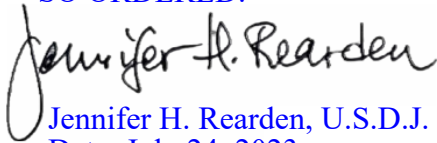
Application GRANTED.

The July 24, 2023 conference is adjourned *sine die*.

By August 14, 2023, the parties shall submit a joint letter regarding the status of settlement discussions and proposed next steps, including whether Plaintiff intends to withdraw her motion for a temporary restraining order and preliminary injunction (ECF No. 5). Plaintiff's motion is stayed pending submission of the joint letter.

The deadline for Defendants to answer or otherwise respond to the Complaint is extended on consent to September 11, 2023.

SO ORDERED.


Jennifer H. Rearden, U.S.D.J.
Date: July 24, 2023